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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,197	05/23/2006	Gerd Anton Thiry	51303	1799

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
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EXAMINER

LAZO, THOMAS E

ART UNIT	PAPER NUMBER
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3745

MAIL DATE	DELIVERY MODE
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01/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. **10/580,197**Applicant(s) **THIRY ET AL.**

Examiner

Thomas E. Lazo

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/23/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

1. The abstract of the disclosure is objected to because it is more than 150 words in length. Correction is required. See MPEP § 608.01(b).

2. In the specification, on page 2, line 21, the reference to claim 1 should be removed.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Spiegelberg (4,756,298). Spiegelberg discloses a circuit arrangement with a load sensing system in which individual consumers arranged both in series with formation of a series section 3,7 and also in parallel with formation of a parallel section 1 to one another are connected to a hydraulic supply circuit with at least one supply pump 4 and a fluid return 23, the load sensing system determining the highest load pressure at the time for the series and parallel section, characterized in that the load pressure which is highest at the time is relayed as the control pressure to a valve unit such that if the load pressure of the parallel section is higher than the load pressure of the series

section, the valve unit dramatically chokes the return 23 for fluid until the pressure of the supply pump 4 rises to or over the pressure required in the parallel section, wherein the series or parallel section consists at least of one consumer and wherein preferably two series-connected consumers 3,7 of the series section are located in the fluid flow direction in front of the parallel section with a parallel consumer 1, the valve unit 24 is formed from a hydraulically controllable proportional slide valve, preferably a 2-way proportional slide valve, there is a proportional choke valve 6 between the consumer 3 of the series section which is the first in the fluid flow direction and the supply pump P, as well as another proportional choke valve 6' between the respectively preceding and the respectively following consumer 7 of a series section.

Claims 1, 5, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kauss (FR 2754571). Kauss discloses a circuit arrangement with a load sensing system in which individual consumers arranged both in series with formation of a series section 4 and also in parallel with formation of a parallel section 2 to one another are connected to a hydraulic supply circuit with at least one supply pump 8 and a fluid return, the load sensing system determining the highest load pressure at the time for the series and parallel section 4,2, characterized in that the load pressure which is highest at the time is relayed as the control pressure to a valve unit 28 such that if the load pressure of the parallel section 2 is higher than the load pressure of the series section 4, the valve unit 7,28 dramatically chokes the return for fluid until the pressure of the supply pump 8 rises to or over the pressure required in the parallel section 2, one control pressure line for the valve unit 7,28 is connected to a shuttle valve 27 of the series section 4 and the other control pressure line is connected to at least one shuttle valve (implicitly shown) of the parallel

section 2 and to at least one shuttle valve (implicitly shown) of the load sensing system, and between the supply pump 8 and the return a circulation manometric balance 12 is connected to the supply circuit on which the highest load pressure altogether prevails.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kauss, as applied to claims 5 and 1 above. Kauss does not disclose mutually deblockable nonreturn valves (48) and the respective consumer of the series section being a hydraulic motor and the consumer of the parallel section being a hydraulic working cylinder.

Official notice is taken that deblockable non return valves (check valves), hydraulic motors, and hydraulic working cylinders are well known hydraulic components commonly used in circuit arrangements. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the circuit arrangement of Kauss to have mutually deblockable nonreturn valves and a hydraulic motor as the respective consumer of the series section and a hydraulic working cylinder as the consumer of the parallel section as a matter of engineering expedience.

Allowable Subject Matter


Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas E. Lazo
Primary Examiner
Art Unit 3745
January 3, 2008